

**VIRGINIA BOARD OF NURSING  
MINUTES  
July 18, 2006**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:05 A.M. on July 18, 2006, in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**PRESIDING:** Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS**

**PRESENT:** Lynne M. Cooper, Citizen Member, Vice President  
Gregory J. Huber, R.N., M.S.N., Secretary  
Linda D. Gross, Citizen Member  
Brenda L. Hale, R.N.  
Woody B. Hanes, R.N., M.S.N., F.N.P.  
Florence Jones-Clarke, R.N., M.S.  
Patricia C. Lane, R.N.  
Lawrence L. Logan, Citizen Member  
G. Maxine Ponn, L.P.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.

**BOARD MEMBERS ABSENT:**

John M. Horn, L.P.N.  
Brenda L. Spady, L.P.N.

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline  
Cindy Cochran, R.N., Discipline Case Manager  
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant  
Jane Elliott, R.N., Ph.D., Discipline Staff  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Robert A. Nebiker, Director, Department of Health Professions  
Sandra W. Ryals, Chief Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst, Department of Health Professions  
Jan Johnson, Executive Director, Virginia Nurses Association

**ESTABLISHMENT OF  
A QUORUM:**

With eleven (11) members of the Board present, a quorum was established.

## ANNOUNCEMENTS:

- Gloria D. Mitchell, R.N., M.S.N., M.B.A., new Deputy Executive Director, Discipline, effective June 19, 2006.
- Nurse Licensure Compact Administrators meeting, Chicago, Illinois July 31, 2006.
- National Council of State Boards of Nursing Delegate Assembly, August 1-4, 2006, Salt Lake City, Utah.
- Committee of Joint Boards of Nursing and Medicine meeting, August 23, 2006.
- Next Board of Nursing meeting, September 18 – 21, 2006.
- Council on Licensure, Enforcement and Regulation (CLEAR) conference, September 14 – 16, 2006 Alexandria, Virginia.
- Citizen Advocacy Center (CAC) meeting, October 17 – 20, 2006 Williamsburg, Virginia.

## DIALOGUE WITH AGENCY DIRECTOR:

- Mr. Nebiker provided an overview of the construction of office development and a hotel in the immediate area.
- Joint Legislation Audit and Review Committee has distributed a progress report regarding Department of Social Services regulations for Assisted Living Facilities.
- Ms. Yeatts attended a meeting with the Joint Commission on Health Care and briefed the Committee on the status of Medication Aide Regulations. No feedback has been received at this time.
- Mr. Nebiker addressed the Board concerning proposed regulations 18 VAC 90-20-90 by the Board of Nursing regarding nursing education faculty requirements that in his opinion, does not contain sufficient compelling evidence to support proposed regulations. Mr. Nebiker is suggesting changes drafted by himself, Ms. Ryals and Ms. Yeatts. Mr. Huber moved to resubmit the proposed regulations with the revisions. The motion was seconded and approved. Ms. Piersall, Ms. Cooper, Ms. Gross, Ms. Hale, Ms. Hanes, Mr. Huber, Ms. Lane and Mr. Logan were in favor of the motion. Ms. Ponn and Dr. Selig opposed the motion. Ms. Jones-Clarke abstained.

## CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 9:35 A.M. for consultation with legal counsel pertaining to actual or probable litigation regarding funding for the nurse aide registry. Additionally, Mr. Huber moved that Mr. Nebiker, Ms. Ryals, Ms. Davis, Ms. Yeatts, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Dr. Elliott, Ms. Ressler, Ms. Douglas and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and approved unanimously.

## RECONVENTION:

The Board reconvened in open session at 10:05 A.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

RECESS: The Board recessed at 10:25 A.M.

RECONVENTION: The Board reconvened at 10:35 A.M.

PUBLIC HEARING: Regulations Governing Registration of Medication Aides 18 VAC 90-60. Carolyn Ohle, Roy Bryant and Irvin Land were present and provided comment to the Board.

Public Comment will be accepted until August 25, 2006. All comments received will be considered before the Board adopts final regulations at its meeting in September 2006.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: Mr. Huber moved to accept the consent agenda which includes:  
Minutes:

- May 15, 2006 – Panel – Ms. Piersall
- May 16, 2006 – Board Meeting – Ms. Piersall
- May 17, 2006 – Quorum – Ms. Piersall
- May 17, 2006 – Panel – Ms. Piersall
- May 17, 2006 – Panel – Ms. Cooper
- May 19, 2006 – Telephone Conference Call – Ms. Piersall

Reports:

Finance Report

Board of Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics

Examinations: NNAAP

REPORTS:

**Health Practitioners Intervention Program:**

Ms. Douglas reviewed the Health Practitioners Intervention Program report.

**Executive Director Report:**

Ms. Douglas offered to address any questions regarding the Executive Director report. No questions were offered.

**Advisory Council on the Future of Nursing in Virginia:**

Ms. Cooper reported on the meeting she attended on behalf of Ms. Piersall. Ms. Cooper stated that subcommittees were formed however she has had no further communication from the chair of the Advisory Council concerning this matter.

**Compact Discipline Summit:**

Ms. Douglas provided an overview of the meeting held in Chicago July 10, 2006 in which she chaired the planning committee and moderated a panel of representatives from Compact states.

**Medication Aide Regulatory Committee (Assisted Living Facilities):**

Ms. Cooper and Dr. Saxby reported on the meeting June 30, 2006.

- Requests for proposals for the medication aide competency examination have been sent, proposals are due August 2006.
- A draft curriculum is underway and is to be presented to the Board in September 2006.
- The use of insulin pumps will not be included in the curriculum for medication aides. This method of administering insulin is patient controlled.

**CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:**

**Cara Wood, C.M.T. Applicant**

Ms. Wood appeared and presented a statement to the Board.

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:10 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Davis, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Ms. Ressler, Ms. Douglas and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 1:15 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board accept the recommended decision of the agency subordinate to approve the application of Cara Wood for certification as a massage therapist

**Rachel Koob, R.N. 0001-157445**

Ms. Koob appeared and presented a statement to the Board.

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:20 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Davis, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Ms. Ressler, Ms. Douglas, Dr. Elliott and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 1:35 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board accept the recommended decision of the agency subordinate to place Ms. Koob on probation with terms.

The motion failed.

Mr. Huber moved to refer to a formal hearing. The motion was seconded and carried unanimously.

**Susan Poole, R.N. 0001-052102**

Ms. Poole appeared, accompanied by Nathan Kotcamp, Esquire, and presented a statement to the Board.

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:42 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Davis, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Ms. Ressler, Ms. Douglas, Dr. Elliott and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 1:50 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board accept the recommended decision of the agency subordinate to deny the reinstatement application for Susan Poole.

The motion failed.

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:50 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Davis, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Ms. Ressler, Ms. Douglas, Dr. Elliott and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 2:18 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**Doris E. K. Deering, R.N. 0001-161666**

Ms. Deering did not appear.

Ms. Hale moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right of Doris Deering to renew her license to practice professional nursing for a period of not less than two years.

The motion was seconded and approved unanimously.

**Tracey Boateng, L.P.N. 0002-162700**

Ms. Boateng did not appear.

Ms. Hanes moved to accept the recommended decision of the agency subordinate to reprimand Tracey Boateng and that she be required to complete the National Council of State Boards of Nursing course "Documentation: A Critical Aspect of Client Care" within 60 days of the date of entry of the Order.

The motion was seconded and approved unanimously.

**Jeffrey Fuller, R.N. 0001-144171**

Mr. Fuller did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right of Jeffrey Fuller to renew his license to practice professional nursing for a period of not less than two years.

The motion was seconded and approved unanimously.

**Georgette Jones, R.N. 0001-093724**

Ms. Jones did not appear.

Ms. Hanes moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right of Georgette Jones to renew her license to practice professional nursing for a period of not less than two years.

The motion was seconded and approved unanimously.

**Maritza Martinez, R.N. 0001-177132**

Ms. Martinez did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate to place Maritza Martinez on probation with terms.

The motion was seconded and approved unanimously.

**Rocky Sproles, R.N. 0001-148930**

Mr. Sproles did not appear.

Mr. Huber moved to reject the recommended decision of the agency subordinate and refer the case of Rocky Sproles for a formal hearing. The motion was seconded and approved. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hale, Ms. Hanes, Ms. Jones-Clarke, Ms. Lane and Ms. Ponn were in favor of the motion. Dr. Selig opposed the motion.

**Susan Gibala, R.N. 0001-167692**

Ms. Gibala did not appear.

Ms. Hale moved to accept the recommended decision of the agency subordinate to take no action contingent upon Susan Gibala remaining in compliance with the terms of her recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

**Malana Weaver, R.N. 0001-132137**

Ms. Weaver did not appear.

Mr. Huber moved to reject the recommended decision of the agency subordinate and refer the case of Malana Weaver for a formal hearing.

The motion was seconded and approved. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hale, Ms. Hanes, Ms. Jones-Clarke, Ms. Lane and Ms. Ponn were in favor of the motion. Dr. Selig opposed the motion.

**CONSENT ORDERS AND RECOMMENDATIONS REGARDING APPLICANTS:**

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:46 P.M. for the purpose of consideration and discussion of consent orders and recommendations regarding applicants. Additionally, Mr. Huber moved that Ms. Douglas, Mr. Casway, Ms. Mitchell, Ms. Cochran, Ms. Power, Ms. Ressler, Dr. Saxby, Dr. Elliott and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 3:00 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**Joann Jones Riley, L.P.N. 0002-044174**

Ms. Hale moved to accept the consent order to indefinitely suspend the license of Joann Jones Riley.

The motion was seconded and carried unanimously.



**Kathy Frye, L.P.N. 0002-055209**

Dr. Selig moved to accept the consent order to indefinitely suspend the right of Kathy Frye to renew her license.

The motion was seconded and approved unanimously.

**Courtney Jones Allen, R.N. 0001-153023**

Ms. Cooper moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the professional nursing license of Courtney Jones Allen.

The motion was seconded and approved unanimously.

**Mary Winter, 0001-062346**

Mr. Logan moved to accept the consent order to indefinitely suspend the license of Mary Winter for a period of not less than one year.

The motion was seconded and approved unanimously.

**Brenda Mann, L.P.N. 0002-042132**

Ms. Cooper moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the practical nursing license of Brenda Mann.

The motion was seconded and approved unanimously.

**Judith Skipwith,**

Dr. Selig moved to accept the Consent Order for indefinite suspension of Judith Skipwith's practical nursing license with said suspension stayed upon verification of entry in the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

**Sunshine Miller, C.N.A. 1401-103630**

Ms. Hale moved to accept the consent order to indefinitely suspend the right of Sunshine Miller to renew her certified nurse aide certificate.

The motion was seconded and approved unanimously.

**Kelly D. Fox, C.N.A. Applicant**

Ms. Fox did not appear.

Ms. Hale moved to accept the recommended decision to approve Kelly Fox's application to take the Nurse Aide Assessment Program examination and issue an unrestricted certificate to practice as a nurse aide contingent upon receiving verification of entry into the Health Practitioners Intervention Program within thirty days of the Order becoming final, and upon successful completion of the exam.

The motion was seconded and approved unanimously.

**Kelly D. Fox, R.N. Applicant**

Ms. Fox did not appear.

Ms. Cooper moved to accept the recommended decision to approve Kelly Fox's application to take the National Council Licensure Examination for licensure as a professional nurse and issue an unrestricted license to practice contingent upon receiving verification of entry into the Health Practitioners Intervention Program



within thirty days of the Order becoming final and upon successfully completing the exam.

The motion was seconded and approved unanimously.

**OTHER MATTERS:**

**Requests for accommodation:**

**CLOSED SESSION:**

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 12:07 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of NCLEX modification requests. Additionally, Mr. Huber moved that Ms. Davis, Ms. Yeatts, Ms. Power, Ms. Mitchell, Ms. Cochran, Dr. Saxby, Dr. Elliott, Ms. Ressler, Mr. Casway and Ms. Douglas attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

The motion was seconded and approved unanimously.

**RECONVENTION:**

The Board reconvened in open session at 12:15 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**Rebecca Corcoran, R.N. Applicant**

Ms. Cooper moved to grant the request of a separate room to take the NCLEX-RN exam.

The motion was seconded and approved unanimously.

**Mashante Ferguson, C.N.A. Applicant**

Dr. Selig moved to grant the request for the use of a magnifying glass for the blood pressure gauge, use of the easy reader watch, and use of magnification for writing on the answer sheet to take the NNAAP exam.

The motion was seconded and approved unanimously.

**Letter from Wendy Nehring:**

Ms. Ressler reviewed the outcomes of a survey of Boards of Nursing regarding the use of high fidelity patient simulators in nursing education programs.

**Mary Marshall Scholarship Fund:**

Ms. Ressler reviewed the information regarding the status of the Mary Marshall Scholarship Fund and provided a thank you note from a recent recipient.

**School Nurse Institute Partnership and School Nurse as Professional Partners:**

Ms. Douglas reviewed the information and the issues involved with the practice of school nurses.

**Nurse Aide Testing Status Update:**

Ms. Power and Dr. Saxby reported the service provided by the new sub-contractor, NACES, has been very positive since it became effective July 1, 2006.

EDUCATION PROGRAMS:

**Education Special Conference Committee:**

The Board considered the recommendations of the Education Special Conference Committee from its meeting on July 17, 2006.

Ms. Cooper moved that the Board of Nursing adopt the recommendations. The motion was seconded and carried unanimously.

OTHER MATTERS CONTINUED:

**Medication Administration in Child Day Care Centers:**

Pursuant to HB 1147, the Board of Nursing is charged with developing in consultation with Board of Pharmacy guidelines for the training of employees of certain child day care programs licensed or regulated by the Department of Social Services. Ms. Douglas and Dr. Saxby reviewed the minutes from the June 30, 2006, a draft curriculum guideline is expected to be presented to the Board at the September 2006 meeting.

**Board Member Training Day:**

Ms. Lane requested a day be provided in an effort to assist Board members in their understanding of several topics related to their role as Board members. Ms. Douglas encouraged Board members to provide topics they would like to have addressed. Staff will develop an outline and present it at the September 2006 Board meeting.

REGULATIONS:

**Chart of Board of Nursing Regulatory Actions:**

Ms. Douglas reviewed the information regarding the status of regulations.

ADJOURNMENT:

The meeting was adjourned at 3:47 P.M.

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Gregory J. Huber, R.N, M.S.N.  
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.